R4800-2A

THE PRESIDENT, rejecting a compromise in the dispute over who belongs on the U.S. Commission on Civil Rights, has fired three commissioners—an action that has prompted lawsuits and bills to place the agency under Congressional jurisdiction.

See Page 13.

THE SECRETARY of Education, in recent speeches, has assured rural educators that they will receive an "equitable share" of federal funds and has asked private-school officials not to seek changes in the Administration's tuition-tax credit bill.

See Pages 10 and 13.

THE JUDGE in the New Jersey "moment-of-silence" case has declared that the law is unconstitutional because it "does jeopardize the religious liberties of members of the community" and breaches the separation between church and state. An appeal is likely, legislators say.

See Page 6.

EDUCATION WEEK

American Education's Newspaper of Record Volume III, Number 9 · November 2, 1983

© 1983 Editorial Projects in Education

E.D. Seeks 1985 Budget Increase To Fund Reforms

By Thomas Toch

WASHINGTON—In a sharp reversal of policy, the U. S. Education Department has called for a substantial increase in federal education spending and new federal initiatives in education in its fiscal 1985 budget, which was submitted for review several weeks ago to the Office of Management and Budget, according to informed Administration sources.

The department has requested approximately $16 billion for fiscal 1985, the sources confirm, an increase of about 22 percent over the Administration's fiscal 1984 request and about $800 million—about 5 percent—more than the $15.22 billion recently appropriated by the Congress for education during fiscal 1984.

The new initiatives included in the budget are intended to promote "excellence" in the schools, according to a senior Education Department official. They include a program of "forgivable" loans, budgeted at approximately $50 million, to encourage top students to become elementary- or secondary-school teachers and a plan to use the department's Fund for the Improvement of Postsecondary Education to help universities and consortia experiment with alternatives to the current practice of training teachers in education schools.

The Education Department's budget proposal also calls for an increase in the funding of programs to improve foreign-language instruction, an increase in the maximum amount of a Pell Grant from $1,900 to $3,000, and tightened eligibility requirements for the Pell Grant student-aid program, sources said.

Like previous Reagan Administration budgets, the fiscal 1985 budget calls for legislation combining the department's vocational- and adult-education programs into a block grant and giving states and school systems the option of providing compensatory-education services through a voucher system, the sources said.

The Education Department's requests for new federal initiatives and a substantial increase in spending come in response to the reform recommendations of the National Commission on Excellence in Education and other groups that have recently issued reports on American schools, a senior education official said.

But the proposals contradict the Administration's often-stated intention to reduce the federal role in education and, therefore, have added to what one source said is a "hell of an internal fracas" within the Administration over how it should respond, in an election year, to the numerous and publicly popular calls for reforms in education.

"There are disagreements at the White

Continued on Page 14

N.Y. Court Rules Handicapped Pupils Must Pass Exit Test To Earn Diploma

By Sheppard Ranbom

New York's highest court has upheld the state's requirement that all students—including the mentally handicapped—must demonstrate proficiency on state-administered competency tests in order to receive a high-school diploma, and that three years' notice gives the students adequate time to prepare for the examinations.

A memorandum decision handed down on Oct. 20 by a seven-judge panel of the New York Court of Appeals rejected an appeal by a Suffolk County school district that has continued, since 1979, to award diplomas to handicapped students who have failed the state-mandated tests.

The Court of Appeals said that mentally handicapped students from the Northport-East Northport Union Free School District "had no reasonable expectations of receiving a high-school diploma without passing competency tests."

The competency tests—which initially certified 9th-grade-level ability in reading and mathematics—were approved by the New York State Board of Regents in 1976 and were first administered in 1979.

Under Section 103.5 of the regulations of the commissioner of education, a school district can award a local certificate of completion to those who do not pass competency tests but who complete "an appropriate individualized education program." Each school district must report the name of students receiving these certificates to the state department of education shortly after

Continued on Page 15

Panel Plans Help For Schools With Asbestos Problems

Is Critical of E.P.A. for Noncompliance Publicity

By Susan Walton

WASHINGTON—A federally sponsored task force on asbestos in the schools, meeting for the first time since 1980, has concluded that the problem remains much the same as it was several years ago. The first step toward a solution, the members agreed, is finding out what school officials—still faced with limited budgets and insufficient technical know-how—view as the most difficult aspects of the problem.

Several members, although favoring the requirement that school officials check for the presence of asbestos, were critical of other aspects of the inspection program as it has been carried out during the Reagan Administration.

The 10-member advisory group, which includes scientific and technical experts from five federal agencies as well as five scientists and representatives of other levels of government, was established under the Asbestos School Hazard Detection and Control Act of 1980. *(See Education Week, Oct. 5, 1983.)* The panelists, who were appointed by the Secretary of Education, are responsible for compiling and disseminating information on the effects of asbestos on health; providing technical information on testing, sampling, and identifying the substance;

Continued on Page 19

Nobody Home: Social Shifts Spur Early-Childhood Initiatives

Schools Considering Ways To Mix Care, Learning

By Sheppard Ranbom

What many call one of the most promising strategies for improving student achievement is being boosted not by the recent calls for education reform but by social forces far beyond the schools' control.

The forces are suggested by the rising tide of school-age and preschool children with no parent at home for most of the day. Studies show that unprecedented numbers of these children regularly spend weekdays in institutional or neighborhood day-care programs, or return from school to empty houses. And the numbers indicate that the "institutionalization" of children is certain to increase as both the proportion of working women and the birthrate climb in the years ahead.

"Two factors and two factors alone," contends Edward F. Zigler, professor of psychology and director of the Bush Center in Child Development and Social Policy at Yale University, are prompting educators and policymakers to act now: "the new demographics and the new look of women and the family" and "their great dissatisfaction with the progress we've made in education."

"Schools are now looking back to help children at earlier ages, and—as in the

Continued on Page 15

Over Half of Women With Young Children Now Work

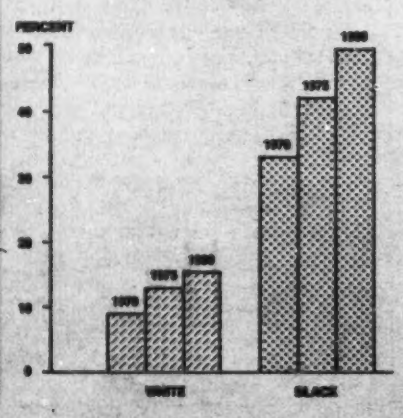
In the 1960's and 1970's, a confluence of social and economic forces—including an open job market, inflation, a rising divorce rate, and the feminist movement—caused many women to enter or re-enter the workforce.

The rate of participation in the labor force of women aged 16 and over rose from 36 percent in 1960 to 52 percent in 1980, according to the U. S. Census Bureau.

Women with young or school-age children who in earlier years would have remained at home as housewives and moth-

Continued on Page 18

Percent of Families Headed by a Single Parent, by Race, 1970 and 1980



THE WEEK

A SUMMARY OF NEWS AND EVENTS

IN SUMMARY

Failing the Test in New Jersey
Although it does not mention prayer, a "moment-of-silence" law has been ruled unconstitutional by a state judge. **Story on Page 6.**

Planning for the Future
Administrators discuss the problems and opportunities in introducing the new technology into their schools. **Story on Page 7.**

Upgrading Schools
New Hampshire and Vermont are considering recommendations to increase basic academic requirements. **Story on Page 8.**

'An Investment in Leadership'
The Carnegie Foundation is initiating a $1.7-million grants program to help high schools help themselves. **Story on Page 8.**

Meeting Challenges
At a College Board meeting, educators call for higher standards for pupils of all social and educational backgrounds. **Story on Page 11.**

Responding to Social Changes
The superintendent of Houston's public schools tells fellow educators that American education must be restructured. **Story on Page 11.**

No 'Quick Fixes'
A group of deans has postponed a decision on forming a new association to improve education schools. **Story on Page 12.**

A Compromise in Pennsylvania
The state human-rights commission reverses its rejection of Philadelphia's voluntary desegregation plan. **Story on Page 12.**

New Directions in New Mexico
A governor's committee has recommended action to make teachers' salaries competitive with those in business. **Story on Page 12.**

A Question of Authority
The President has asserted his "right" to appoint members to the U. S. Commission on Civil Rights. **Story on Page 13.**

Colleges Column	12	Hearings	13
Commentary	20 and 24	Honors	22
Databank	14	In Federal Agencies	13
Deadlines	22	Letters	21
Deaths	22	Marketplace	23
Events	22	Media Column	11
Federal File	13	Washington News	13

EDUCATION WEEK (ISSN 0277-4232) is published 42 times per year (weekly except for the first week in January, the last week in June, the month of July, the first two weeks in August, the last week in November, and the last week in December) by Editorial Projects in Education, Incorporated. Editorial and Advertising Sales Offices located at 1333 New Hampshire Avenue, N.W., Suite 560, Washington, D.C. 20036. (202) 466-5190. Subscriptions: U.S. and Canada: $39.94 for 42 issues. Foreign: $85.94 (airmail) and $56.44 (surface mail) for 42 issues. Second-class postage paid at Washington, D.C. and at additional mailing offices. POSTMASTER: Send address changes to EDUCATION WEEK, P.O. Box 1939, Marion, Ohio 43305. Volume III, Issue 9.

Main Editorial and Business Offices

Suite 560, 1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 466-5190

Midwestern Editorial Office
Cleveland, Ohio
(216) 752-0438

EDITOR
Ronald A. Wolk

EXECUTIVE EDITOR
Martha K. Matuke

ASSOCIATE EDITORS
Thomas Toch, Susan Walton

STAFF WRITERS
Hope Aldrich, Anne Bridgman
Cindy K. Currence, Charlie Euchner,
Susan Foster, Tom Mirga, Sheppard Ranbom

MIDWESTERN BUREAU
Peggy Caldwell

COMMENTARY EDITOR
Alex Heard

SYSTEMS MANAGER
Anne Bridgman

EVENTS EDITOR & COPY EDITOR
Tricia Furniss

ART DIRECTOR
Beth L. Schlenoff

ASSISTANT ART DIRECTOR
Ann Richerich

EDITORIAL ASSISTANTS
Ann Richerich
Pamela Winston

CIRCULATION MANAGER
Rhonda J. Sucher

ASSISTANT TO PUBLISHER
Jeff Ranbom

PUBLISHING CONSULTANT
Lawrence A. Durocher Jr.

BOOKKEEPER
Lorna Gross

STUDENT INTERN
Pamela G. Pitt

DISPLAY ADVERTISING

East Coast and Midwest
Director
Leslie K. Hubbard
Assistant Director
Frances Gibel
Suite 560
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036
202/466-5190

ADVERTISING SALES REPRESENTATIVE

West Coast, Oklahoma, and Texas
Joe Shere
1507 Bonnie Doone Terrace
Corona del Mar, California 92625
714/640-5689

Grants to help establish *Education Week* have been made by the following philanthropic foundations: Atlantic Richfield Foundation, Mary Reynolds Babcock Foundation, Carnegie Corporation of New York, Cleveland Foundation, Denver Foundation, Geraldine R. Dodge Foundation, E.I. du Pont de Nemours & Co., Exxon Education Foundation, Faye McBeath Foundation, Frost Foundation, George Gund Foundation, Hartford Foundation for Public Giving, Kettering Family Fund, Esther A. and Joseph Klingenstein Fund, Lilly Endowment, William Penn Foundation, Permanent Charities Fund of Boston, Sid W. Richardson Foundation, Rhode Island Foundation, San Francisco Foundation, Shell Companies Foundation, Standard Oil of Ohio, The Tinker Foundation.

SUBSCRIPTION RATES
IN U.S. AND CANADA

One year (42 issues)...$39.94. Outside the U. S. and Canada...$56.44 per year for surface mail and $85.94 per year for airmail. Send subscription correspondence to: Education Week, P.O. Box 1939, Marion, Ohio 43305.

Back issues are available at $2.00 each (first class postage pre-paid). Send order to: Back Issues, Education Week, Suite 560, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036.

Subscriptions and Changes of Address
Post Office Box 1939
Marion, Ohio 43305

FEDERAL

Senate Approves Symbolic Measure Against Busing

The Senate, in a largely symbolic gesture, recently voted to prohibit the U. S. Justice Department from taking "any sort of action" requiring the busing of students to schools other than those nearest their homes.

By a 29-to-52 vote, the senators failed to table the measure, which was offered on Oct. 20 as an amendment to the fiscal 1984 Justice Department appropriation bill by Senator Jesse A. Helms, Republican of North Carolina.

After the vote, Senator Helms withdrew his amendment, claiming that he had "made his point."

"I just wanted a vote," Mr. Helms told his colleagues.

"I want the Justice Department to know that the Senate has spoken again on the question of forced busing, and it has displayed a strong majority will against it. That is the only point I wanted to make and I have made it."

Senator Helms' amendment was identical to one he offered during the 97th Congress to a Justice Department authorization bill. The Senate approved the amended bill in March 1982, but it was never acted on by the House.

"The last time this amendment passed, it was sent over to the House and [House Speaker Thomas P. O'Neill Jr., Democrat of Massachusetts, and Representative Peter W. Rodino Jr., Democrat of New Jersey and chairman of that chamber's Judiciary Committee] arranged for it to be sat upon," Senator Helms said. "If you will look at the posteriors of those two men, you will realize that when they sit on something, that is a lot of coverage."

After the tabling motion failed, Senator Lowell P. Weicker Jr., Republican of Connecticut, noted that "this is the same Senate that voted for Martin Luther King Day and two days later went ahead and gutted, or tried to gut, the civil rights of black schoolchildren."

"This particular exercise does not stand to the credit of this body and repudiates what we did 48 hours ago," Senator Weicker said.

House Approves Nutrition Funds

The House last week approved a bill that would restore $100 million to the child-nutrition programs whose funding was cut by $1.5 billion in 1981.

The bill, H R 4091, would lower the cost of reduced-price lunches from 40 cents to 25 cents and would raise the level of family income below which children are eligible for reduced-price meals. The measure also increases the level at which the government reimburses schools that participate in the meal programs.

The bill now faces a Senate vote and the Administration; officials reportedly have indicated that President Reagan would not sign the bill as it was approved by the House.

NATIONAL

A.F.T. Will Back Mondale in 1984

Walter F. Mondale completed his sweep of the endorsements of the major teachers' unions late last week, when the American Federation of Teachers formally announced its decision to back him for the Presidential nomination in 1984.

Albert Shanker, the federation's president, said the 34-member executive council chose Mr. Mondale because he places a high priority on education issues.

The "cornerstone" of Mr. Mondale's national policy is "a well-funded education program tied to tough standards, better pay for teachers, and the assurance that every American child will be guaranteed an equal educational opportunity," said Mr. Shanker.

Ford Foundation To Fund Programs On Migrants, Refugees

The Ford Foundation has allocated $7.6 million to research and education programs that address the problems of refugees and migrants in the United States.

So far, $3.2 million in individual grants has been awarded, including a $102,000 grant to the Community Consolidated School District 15 in Chicago. The Chicago funds will be used primarily to increase the English-language skills and vocational training of the district's migrant and refugee children, according to Oona Sullivan, a foundation spokesman.

Ms. Sullivan said the $7.6-million allocation will be awarded over a two-year period and represents an increase over previous foundation grants to migrant and refugee programs.

Ms. Sullivan said the foundation is interested in programs that will "help the refugees to settle" in this country.

STATES

District Shuts Down After Voters Reject $3.45-Million Levy

The Oakles (Ore.) Middle School, one of the schools honored last month by U. S. Secretary of Education Terrel H. Bell as one of the 152 outstanding secondary schools in the nation, closed last month for lack of funds.

The school, part of the Junction City School District, had to be closed late last month when local voters refused to support a tax levy that would have provided an additional $3.45 million in operating funds.

The district is the second one in Oregon to close its schools this year. In September, schools in Lincoln County shut down for two weeks until local voters passed a levy.

The 1,700-student district, like many others in Oregon, has an inadequate permanent tax base, officials say, and every year district voters must go to the polls to provide operating funds for schools. This year's levy would have raised property taxes by 37.8 percent, according to Anthony Kennedy, an administrative aide in the district.

Property taxes account for 70 percent of the district's $6.235-million budget; the state provides 24 percent of funding; and the federal government, now provides 6 percent. Four years ago, the federal share of the district's operating budget was 12 percent.

A new levy vote will be held on Nov. 8.

The local school board is currently in the process of cutting as much as $1.2 million from the district's budget, and parents are beginning a public-relations campaign to encourage voters to support the schools, Mr. Kennedy said.

Minn. Health Agency To Keep Supplying Birth-Control Films

Minnesota Health Department officials have announced that they will continue to provide schools and community agencies with family-planning films, despite a record number of complaints from community members about the films.

In October, the department stopped distribution of the materials following a dramatic increase in the number of written complaints from parents, legislators, and other "concerned parties," according to a department official.

The health department received between 30 and 50 inquiries regarding the films, not all of them complaints, before distribution was sus-

E.D. Seeks Budget Increase To Fund Education Reforms

Continued from Page 1

House over what the federal role in the re-form efforts should be, and they're not resolved yet," an O.M.B. official said.

Since the April release of the excellence commission's report, "A Nation at Risk," President Reagan, on the advice of his political advisers, has sought to convey what one senior aide described as "leadership" on issues of educational reform.

He has called on schools to link teachers' pay to their performance and has put on a series of White House ceremonies to honor outstanding schools and teachers, to promote volunteerism in the schools, and to urge volunteer efforts to address the problem of adult illiteracy.

None of the highly visible actions has involved a programmatic commitment of federal funds.

One question being debated in the White House, an Administration official said, is whether this strategy should be continued into the election year or whether the Administration should respond to the current calls for school reform with new federal initiatives, as the Education Department's fiscal 1985 budget proposal appears to suggest it should.

The size of the federal deficit—$200 billion for the fiscal year that ended Sept. 30—also figures prominently in the internal debate over a proper stance for the President with regard to education and other domestic programs, the official said.

One way the Administration is likely to use the education issue to its political advantage in the coming months, according to members of the education community here, is to point out and take credit for the reform proposals that have proliferated at the state and local levels in recent months. "Why shouldn't we take some credit?" one Administration official said. "It was the report of our commission that set the reforms in motion."

As part of this effort, the Education Department recently sent a questionnaire to school systems nationwide asking them whether they had enacted reforms similar to those recommended by the excellence commission and whether they had been "stimulated or influenced" by the commission's report. The results of the questionnaire have not yet been released by the department.

Rights Panel Members Ousted

Continued from Page 13

Senator Strom Thurmond, Republican of South Carolina, canceled the session after the White House informed him of the dismissals in an early-morning telephone call, according to a committee staff member.

Congressional sources said the committee was prepared to act on a compromise measure that would have expanded the commission's membership from six to eight and permitted only two of the President's nominees to be seated. Under that arrangement, commissioners who generally have been critical of the President's policies would have remained in the majority. By firing three of the commission's members, Mr. Reagan has effectively silenced the body because four members are needed for a quorum.

The panel reportedly was poised to release its annual assessment of the federal civil-rights budget in the next few weeks. In the past two years, such reviews have concluded that the enforcement of civil rights has been eroded seriously by budget reductions and personnel cuts ordered by the President.

The Senate Judiciary Committee's senior Democratic member, Senator Joseph R. Biden Jr. of Delaware, said he was "disappointed and angered" by the President's move, adding that it "obviously ends any hope of getting the President to sign an authorization bill that might pass both houses."

In addition, the Senate Democratic Conference, representing all 45 Democrats in that chamber, adopted a resolution accusing the President of "undermining the independence" of the commission with a "unilateral action which was clearly designed to pre-empt the Congress from exercising its will."

Senator Biden, along with Senator Arlen Specter, Republican of Pennsylvania, introduced a bill shortly after the President's announcement calling for the creation a new civil-rights panel under the legislative branch. Under their proposal, the new panel would consist of eight members, four appointed by the speaker of the House and four by the president pro tem of the Senate, upon the recommendations of the chambers' minority and majority leaders. The new body would retain the powers and responsibilities of the current commission, and the new legislation would prevent the dismissal of members without cause.

The Senators' bill was offered as a concurrent resolution. Such measures do not need the President's signature to take effect, and, therefore, are immune from Presidential vetoes.

Representatives Don Edwards, Democrat of California, and Hamilton Fish Jr., Republican of New York, reportedly were preparing to introduce a companion measure in the House, according to House aides.

The commissioners removed from office, and the people named as their replacements, are:

- Ms. Berry, onetime assistant secretary and acting commissioner of education in the former U. S. Office of Education. Ms. Berry, who was appointed during the Carter Administration and is now a professor of law and history at Howard University, would be replaced by Morris B. Abram, the former president of Brandeis University and former chairman of the United Negro College Fund.
- Ms. Ramirez, director of the InterCultural Development Association in San Antonio. Ms. Ramirez, also appointed during the Carter Administration, would be replaced by John H. Bunzel, a research fellow at Stanford University's Hoover Institution on War, Revolution, and Peace.
- Rabbi Murray Saltzman of Baltimore, who was appointed during the Ford Administration. He would be replaced by Robert A. Destro, general counsel of the Catholic League for Religious and Civil Rights.

DATABANK

U.S. Education Budget

President Reagan was expected late last week or early this week to sign into law the first regular appropriations bill for the U. S. Education Department since 1979. The Congress cleared the way for the President's signature by passing a compromise version of the measure, H R 3913, on Oct. 20. Total funding under the bill is set at $15.22 billion, about $200 million less than levels set under fiscal 1983 spending measures. The Congress has yet to complete action on the proposed initiative in mathematics and science, which would add somewhere between $400 million and $425 million to the fiscal 1984 education budget.

(In thousands)

		FY 1984				
	FY 1983 Enacted	President's Request	House Bill	Senate Bill	Conference	Compared with FY 83 Enacted
COMPENSATORY EDUCATION FOR THE DISADVANTAGED						
Grants for the Disadvantaged (Chapter 1):						
Grants to local education agencies	$2,727,754	$2,729,939	$3,007,360	$3,000,000	$3,003,680	$+275,926
State agency programs:						
Migrants	255,744	129,434	255,744	260,304	258,024	+2,280
Handicapped	146,520	104,850	146,520	146,520	146,520	—
Neglected and delinquent	32,616	21,886	32,616	32,616	32,616	—
State administration	33,014	22,100	33,014	34,800	34,414	+1,400
Evaluation and studies	4,746	5,760	4,746	5,760	4,746	—
Total, Chapter 1	**3,200,394**	**3,013,969**	**3,480,000**	**3,480,000**	**3,480,000**	**+279,606**
Migrant education:						
High School equivalency program	6,300	—	6,300	6,300	6,300	—
College assistance migrant program	1,200	—	1,200	1,200	1,200	—
TOTAL, Compensatory education programs	**3,207,894**	**3,013,969**	**3,487,500**	**3,487,500**	**3,487,500**	**+279,606**
SPECIAL PROGRAMS						
Improving School Programs (Chapter 2):						
State block grants	450,655	450,655	450,655	450,655	450,655	—
Secretary's discretionary fund:						
Inexpensive book distribution (including RIF)	5,850	—	6,500	6,500	6,500	+650
Arts in education	2,025	—	2,125	2,125	2,125	+100
Alcohol and drug abuse education	2,850	—	2,850	2,850	2,850	—
Law-related education	1,000	—	1,000	—	1,000	—
Discretionary projects	17,040	—	5,049	17,290	16,290	-750
National diffusion	—	—	10,700	—	—	—
Undistributed	—	28,224	—	—	—	—
Subtotal, Secretary's discretionary fund	**28,765**	**28,224**	**28,224**	**28,765**	**28,765**	**—**
Total, Chapter 2	**479,420**	**478,879**	**478,879**	**479,420**	**479,420**	**—**
Other Special Programs						
Training and advisory services (Civil Rights IVA)	24,000	—	24,000	24,000	24,000	—
Follow through	19,440	—	14,767	14,767	14,767	-4,673
Territorial teacher trained assistance	960	—	960	1,000	1,000	+40
General assistance for the Virgin Islands	1,920	—	1,920	1,920	1,920	—
Ellender fellowships	3,000	—	1,000	1,500	1,000	-2,000
Women's educational equity	5,760	—	5,760	5,760	5,760	—
Asbestos control	—	—	50,000	—	—	—
Subtotal, other special programs	**55,080**	**—**	**98,407**	**48,947**	**48,447**	**-6,633**
TOTAL, special programs	**534,500**	**478,879**	**577,286**	**528,367**	**527,867**	**-6,633**
IMPACT AID[1]						
Maintenance and operations:						
Payments for 'a' children	377,175	446,000	—	477,000	457,500	+80,325
Payments for 'b' children	58,025	—	—	58,000	77,500	+19,475
Special provisions (Section 2)	15,000	9,000	—	20,000	20,000	+5,000
Disaster assistance	10,000	—	—	10,000	10,000	—
Subtotal	**460,200**	**455,000**	**—**	**565,000**	**565,000**	**+104,800**
Construction	80,000	—	—	20,000	20,000	-60,000
TOTAL	**540,200**	**455,000**	**—**	**585,000**	**585,000**	**+44,800**
BILINGUAL EDUCATION						
Grants to school districts	84,126	59,724	95,007	84,126	89,567	+5,441
Training grants	31,288	22,400	30,588	34,631	32,610	+1,322
Support services	16,557	9,910	10,447	16,557	13,502	-3,055
Desegregation grants	2,400	—	—	—	—	-2,400
Vocational training	3,686	2,500	6,015	3,686	3,686	—
TOTAL	**138,057**	**94,534**	**142,057**	**139,000**	**139,365**	**+1,308**
EDUCATION FOR THE HANDICAPPED						
Education for the handicapped:						
State assistance:						
State grant program	1,017,900	998,180	1,017,900	1,071,850	1,043,875	+25,975
Preschool incentive grants	25,000	25,000	25,000	26,330	26,330	+1,330
Deaf-blind centers	15,360	9,560	15,360	14,000	15,000	-360
Special purpose funds:						
Severely handicapped projects	2,880	2,880	2,880	4,000	4,000	+1,120
Early childhood education	16,800	11,800	16,800	21,100	21,100	+4,300
Regional, vocational, adult and postsecondary programs	2,832	2,832	2,832	5,000	5,000	+2,168
Innovation and development	12,000	10,800	12,000	15,000	15,000	+3,000
Media services and captioned films	12,000	11,520	11,520	14,000	14,000	+2,000
Regional resource centers	4,130	2,880	5,000	4,500	4,500	+370
Recruitment and information	720	720	720	1,000	1,000	+280

(In thousands)

	FY 1983 Enacted	FY 1984 President's Request	FY 1984 House Bill	FY 1984 Senate Bill	FY 1984 Conference	Compared with FY 83 Enacted
Special education personnel development	49,300	33,600	49,700	55,540	55,540	+6,240
Special studies	480	480	480	3,100	3,100	+2,620
Secondary education and transitional services for handicapped youth	—	—	—	6,000	6,000	+6,000
Other discretionary programs	—	—	45,000	—	—	—
Architectural barrier removal	40,000	—	—	—	—	-40,000
TOTAL, education for the handicapped	**1,198,402**	**1,110,282**	**1,204,792**	**1,241,420**	**1,214,445**	**+15,043**
REHABILITATION SERVICES AND HANDICAPPED RESEARCH[1]						
Rehabilitative services:						
Basic state grants	943,900	943,900	—	993,900	993,900	+50,000
Service projects	31,094	21,094	—	37,600	37,600	+6,506
Independent living	19,400	17,280	—	19,400	19,400	—
Training	19,200	19,200	—	22,000	22,000	+2,800
Subtotal	**1,013,594**	**1,001,474**	**—**	**1,072,900**	**1,072,900**	**+59,306**
National Institute for Handicapped Research	31,560	30,060	—	36,000	36,000	+4,440
National Council on the Handicapped	193	193	—	500	500	+307
Evaluation and studies	—	—	—	2,000	2,000	+2,000
TOTAL	**1,045,347**	**1,031,727**	**—**	**1,111,400**	**1,111,400**	**+66,053**
VOCATIONAL AND ADULT EDUCATION						
Consolidated (Block) Grant	—	492,839	—	—	—	—
Vocational education:						
Basic grants	558,155	—	570,655	567,969	566,969	+8,814
Program improvement and supportive services	99,590	—	99,590	99,590	99,590	—
Programs of national significance	7,678	—	8,178	7,678	8,178	+500
Special programs for the disadvantaged	14,356	—	14,356	14,356	14,356	—
Consumer and homemaking education	31,633	—	31,633	31,633	31,633	—
State advisory councils	6,500	—	7,000	6,500	7,000	+500
State planning	3,588	—	3,588	3,588	3,588	—
Subtotal, vocational education	**721,500**	**492,839**	**735,000**	**731,314**	**731,314**	**+9,814**
Adult education	95,000	—	100,000	100,000	100,000	+5,000
TOTAL	**816,500**	**492,839**	**835,000**	**831,314**	**831,314**	**+14,814**
STUDENT FINANCIAL ASSISTANCE						
Pell grants	2,419,040	—	2,619,000	2,800,000	2,800,000	+380,960
Self-help grants	—	2,713,800	—	—	—	—
Campus based programs:						
Supplemental opportunity grants	355,400	—	370,000	370,000	370,000	+14,600
Work study	590,000	800,000	550,000	550,000	550,000	-40,000
Direct loans:						
Capital	178,560	4,000	178,560	143,560	161,060	-17,500
Cancellations	14,800	—	19,800	14,800	19,800	+5,000
Subtotal, campus based programs	**1,138,760**	**804,000**	**1,118,360**	**1,078,360**	**1,100,860**	**-37,900**
State student incentive grants	60,000	—	76,000	76,000	76,000	+16,000
TOTAL, student financial assistance	**3,617,800**	**3,517,800**	**3,813,360**	**3,954,360**	**3,976,860**	**+359,060**
GUARANTEED STUDENT LOANS						
Guaranteed student loan program	3,100,500	2,168,600	1,268,600	2,256,500	2,256,500	-844,000
Legislative proposals	—	-121,500	—	—	—	—
TOTAL, guaranteed student loans	**3,100,500**	**2,047,100**	**1,268,600**	**2,256,500**	**2,256,500**	**-844,000**
EDUCATIONAL RESEARCH AND STATISTICS						
National Institute of Education	55,614	48,231	48,231	48,231	48,231	-7,383
National Center for Educational Statistics	8,589	8,747	8,747	8,747	8,747	+158
TOTAL	**64,203**	**56,978**	**56,978**	**56,978**	**56,979**	**-7,225**
EDUCATION AND RESEARCH OVERSEAS	516	1,750	516	1,750	1,133	+617
LIBRARIES						
Public Libraries						
Services	60,000	—	65,000	65,000	65,000	+5,000
Interlibrary cooperation	11,520	—	15,000	11,520	15,000	+3,480
College library resources	1,920	—	1,920	—	—	-1,920
Training and demonstrations	880	—	880	880	880	—
Research libraries	6,000	—	6,000	6,000	6,000	—
Construction	50,000	—	—	—	—	-50,000
TOTAL	**130,320**	**—**	**88,800**	**83,400**	**86,880**	**-43,440**
DEPARTMENTAL MANAGEMENT						
Office of the Inspector General, Salaries and Expenses	12,840	12,989	12,989	12,989	12,989	+149
(Unauthorized, not considered by conference)	—	(1,405)	DEFER	DEFER	DEFER	DEFER
Office for Civil Rights, Salaries and Expenses	44,868	42,056	42,056	49,936	49,396	+4,528
SALARIES AND EXPENSES						
Program Administration	217,900	228,382	—	193,663	—	-217,900
Advisory Committees	1,750	—	—	1,750	—	-1,750
Program and management evaluation	2,350	—	—	2,350	—	-2,350
Consolidated amount	—	—	232,988	—	230,000	+230,000
Subtotal, salaries and expenses	**222,000**	**228,382**	**232,988**	**198,663**	**230,000**	**+10,000**
TOTAL, departmental management	**279,708**	**283,429**	**288,015**	**280,978**	**292,385**	**+12,677**
TOTAL, DEPARTMENT OF EDUCATION[2]	**15,345,431**	**13,047,319**	**12,415,520**	**15,227,879**	**15,224,309**	**-121,092**
TOTAL, unauthorized, not considered[2]	**—**	**(21,715)**	**DEFER**	**(6,200)**	**DEFER**	**DEFER**

[1] House deferred consideration pending reauthorization.
[2] Note: Because some higher-education and other Education Department programs have been omitted, totals do not exactly reflect the line items in this table.
Source: *Congressional Record*, October 28, 1983.

N.Y. Court Upholds Exit Tests

Continued from Page 1

the end of the school year, according to the statute.

The Northport-East Northport Union Free School District filed suit against the state education department and the regents in New York State Supreme Court in 1979, contending that the new requirement was in violation of the Education for All Handicapped Children Act of 1975 (P. L. 94-142) and Section 504 of the Rehabilitation Act of 1973. The district also argued that handicapped students were not given adequate notice to prepare for the test and that they would be stigmatized if denied a diploma, according to James H. Whitney, an attorney for the New York State Education Department.

Not Enough Lead Time

In 1979, Judge Robert C. Williams of the State Supreme Court, the lowest court of general jurisdiction in New York, ruled that the competency-testing regulation did not violate the rights of handicapped students. But Judge Williams said the petitioning students—whose identities have been kept confidential—did not have enough lead time to prepare for the tests.

One of the students, referred to in court records as "Abby," is neurologically impaired. The other student, "Richard," is mentally retarded. Abby passed the reading test but failed the mathematics test; Richard never took a minimum-competency examination. Both were awarded diplomas after completing other requirements.

The state commissioner in 1979 directed the district—and all other districts in the state—to identify students who did not pass competency tests but received diplomas, so that the state could inform the students that their diplomas were invalid. But rather than comply, Northport filed suit, according to Kenneth Pawson, an attorney for the New York State Education Department.

Both the state department of education and the Northport district appealed the lower court's decision to the Appellate Division of the New York State Supreme Court, where a panel of five judges affirmed the opinion that the state could require handicapped students to pass a competency test for graduation.

The court, however, reversed one element of Judge Williams' decision, saying that the matter of providing adequate lead time for the mentally handicapped was irrelevant because, according to Mr. Whitney, "The students would never be able to pass the required tests for graduation no matter how much time they had."

Ruling Affirmed

The ruling by the Court of Appeals last month in *Board of Education of the Northport-East Northport Union Free School District* v. *Ambach* affirmed the appellate court's ruling concerning the state's right to deny diplomas to handicapped students who could not pass the tests. The court also said the mentally handicapped students were not "denied adequate notice of the requirement" because the regulation was adopted in 1976, leaving the students three years to prepare.

The Northport district has awarded diplomas to 25 handicapped students since 1979, including two last year.

The district will now comply with the state requirement and stop awarding diplomas to anyone who failed to take or pass the test, according to Lawrence E. McNally, director of pupil services for the district.

Mr. McNally said parents of handicapped children in the district are going to ask the state legislature on Jan. 24 to "change the law to allow the individual educational plan for special-education students be used as standard of successful high-school completion."

He said the parents are concerned that "employers use the high-school diploma as a screening device and that minimally handicapped students who can do a job but lack a diploma become locked out of employment."

It is uncertain at this time what will happen to the diplomas held by the 25 graduates.

However, state education officials said that it is likely that the students will be notified that their diplomas are not valid.

Conflicting Decisions

The decision in the *Northport* case comes on the heels of other, sometimes conflicting, decisions that have attempted to determine the conditions under which a state or district can deny diplomas to students who fail minimum-competency tests.

In May, U. S. District Judge George C. Carr ruled in *Debra P.* v. *Turlington* that the state of Florida can legally withhold high-school diplomas from students who cannot pass a functional-literacy test. The judge said that although Florida has had a long history of school segregation, black plaintiffs had failed to prove that they did not have an adequate opportunity to learn the mathematics and communications skills tested on the state-developed examination.

Judge Carr said that last year's black seniors, who had attended integrated schools since the first grade, had equal educational opportunities "in the constitutional sense." *(See Education Week, May 11, 1983, and May 25, 1983.)*

An appeal has been filed by the plaintiffs in the U. S. Court of Appeals for the 11th Circuit in Atlanta. No date has yet been set for the case to be heard.

In January, the U. S. Court of Appeals for the Seventh Circuit ruled in *Brookhart* v. *Illinois State Board of Education* that special-education students in Peoria who were denied high-school diplomas in 1980 for failing minimal-competency tests were deprived of their constitutionally protected rights and must be awarded diplomas.

At the same time, however, the appeals court upheld the right of the Peoria High School District to make passage of a minimal-competency test a graduation requirement for all students in the future, including those enrolled in special-education programs. *(See Education Week, Jan. 19, 1983.)*

Thirty-eight states have adopted some form of proficiency testing for pupils, according to the Education Commission of the States, and laws in 20 of those states provide for diploma sanctions, either statewide or as a local option.

Arkansas and Pennsylvania currently have testing bills pending, according to Chris Pipho, director of the information clearinghouse at the E.C.S.

Nov. 9, 1983 Not Filmed

Nov. 16, 1983 Not Filmed